Docket No. 740123-4
Serial No. 10/049,696

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:	)
Olivier **BRIQUE** et al	) Group Art Unit: 2162
Serial No. 10/049,696	) Examiner: Alam, Shahid Al
Filed: February 15, 2002	)
For: **MESSAGE TRANSMISSION PROCESS AND SYSTEM FOR DATABASES**	)))

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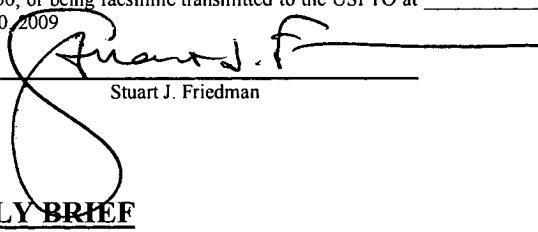
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Stuart J. Friedman

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
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Sir:

Applicant hereby submits its Reply Brief in response to the Examiner's Answer, which was mailed on September 17, 2009. Applicant respectfully requests that the Board of Patent Appeals and Interferences reverse the final rejection of appealed claims 27, 29-31 and 39.

SUMMARY OF THE APPEALED SUBJECT MATTER

This appeal is taken from the final rejection of claims 27, 29-31 and 39, of which only claim 27 is independent. In accordance with the present invention, as set forth in independent claim 27, Applicant overcomes many of the shortcomings of prior art communications networks by providing a method for transmitting messages from a managing center over a communications network to update a large quantity of network user terminal databases, the user databases comprising both managing data and useful data and the messages from the managing center being identical to all user databases, thereby obviating the need to include database addressing in the message. Each message contains conditional controls that include queries for searching useful data , as contrasted with management data, already present in the user databases. Each of the user databases executes the queries and searches the useful data in its database and the results of the searching of the useful data are used to conditionally update each user database without further input from the managing center. This eliminates the need for useful data to be sent to selected databases or for an exchange of messages between the managing center and each database regarding the performing of the conditional updating. In particular, the messages transmitted from the managing center to the user databases are unidirectional, and there are no return messages from the databases to the managing center.

Claims 27, 29-31 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pirovano et al (Published European Patent Application No. 0491069 A1) in view of Yamagishi (U.S. Patent No. 6,370,143). It will be appreciated from a careful reading of the cited references, contrary to the Examiner's assertions, that there is no disclosure or suggestion in Pirovano et al or Yamagishi, or in their purported combination, of the claim 27 steps of:

--providing identical messages without any database addressing transmitted from the managing center--;

--providing identical messages which include queries for searching useful data present in distributed user databases--;

--transmitting the identical messages from the managing center <u>over a unidirectional connection</u> to a plurality of distributed user databases--;

--conditionally updating each distributed user terminal database separately <u>according to the results of the searching of the useful data</u> present in each distributed user database--; and

--accomplishing the conditional updating <u>without a return message</u> from the databases to the managing center regarding the performing of the conditional updating.--

THE EXAMINER'S ANSWER FAILS TO DEMONSTRATE THE PRESENCE OF THE ELEMENTS OF CLAIM 27 WHICH ARE MISSING FROM THE CITED PRIOR ART OR THAT THE SUBJECT MATTER OF CLAIM 27 WOULD HAVE BEEN OBVIOUS TO A PERSON HAVING ORDINARY SKILL IN THE ART

The Prior Art Does Not Teach Conditional Updating By a Method Using Only Unidirectional Messages

The Examiner relies exclusively upon Pirovano et al to demonstrate a method for transmitting messages over a communication network and that the messages are transmitted unidirectionally from a managing center to a plurality of distributed user databases. Applicant does not dispute that this is the case. Indeed, Applicant referred to just such a showing as prior art in its specification at page 1. However, claim 27 is not limited to merely sending a unidirectional message. Rather claim 27 teaches the use of unidirectional messages from a managing center to distributed user databases for the purpose of accomplishing conditional updating without need for return messages from the databases to the managing center. Pirovano et al does not disclose conditional updating. This much is clearly admitted by the Examiner (see Answer at page 4, lines 4-5 from the bottom and page 11, lines 4-7). The significance of the Examiner's admission is not at all diminished by the Examiner's insistence that he said Pirovano et al "<u>does not explicitly teach</u> conditional updating of the distributed user database" inasmuch as there is no showing by the Examiner that Pirovano et al implicitly teaches such updating. If there is no express teaching and no showing of implicit teaching, then it is a fair conclusion that Pirovano et al does not teach conditional updating.

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The Examiner also seeks to draw a distinction between the language of claim 27 and the term "unidirectional access," which he elects to attribute to claim 27. Applicant believes that the language of claim 27 is quite clear. The managing center transmits identical messages "unidirectionally" over a "unidirectional connection" to a plurality of distributed user databases to achieve conditional updating "without a return message from the databases to the managing center regarding the performing of the conditional updating." This language is not susceptible of misunderstanding. It means updating messages go only from the managing center to the databases and not from the databases to the managing center. There is no other rational meaning of the language of claim 27. If the Examiner prefers to call this "unidirectional access" by the management center to the databases, Applicant will not disagree. At best, the Examiner raises a distinction without a difference. Moreover, the entire tenor of the specification teaches the unidirectional transmission of messages from the management center to the distributed user databases. There is not a single suggestion of a return transmission from the databases. See, for example, specification at page 4, lines 20-28; original claim 2.

Moreover, Yamagishi, which is cited to show conditional updating, when read in its entirety, does not disclose a method for conditionally updating the distributed user terminal databases using only unidirectional messages from the management center. Rather, Yamagishi quite clearly requires return messages from the databases to the managing center regarding the performing of the conditional updating.

The Examiner Concedes That Pirovano et al Teaches Database Addressing

Notwithstanding that in his Final Rejection and on page 4 of the Examiner's Answer, which merely repeats the language of the Final Rejection, the Examiner continues to state that Pirovano et al provides identical messages "without any database addressing," it should now be abundantly clear from Applicant's Appeal Brief at page 5 that this is a misstatement. In another section of the Examiner's Answer, at page 10, lines 6-7, the Examiner admits the misstatement and concedes that "Pirovano teaches database addressing and in Pirovano, each database comprises a unique identifier used for addressing."

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The Examiner Has Cited No Prior Art Disclosing Messages Which Include Queries for Searching the Useful Data in User Databases

The Examiner suggests in his Answer (page 10, lines 9-19) that he cited Pirovano et al at page 9, lines 30-35 (teaching steps for terminating the connection between the information provider and a single end-user) for the purpose of disclosing the limitation that the managing center messages include queries for searching the useful data in user databases because he interpreted the word "query" to mean "command." This explanation adds nothing to the misplaced reliance on Pirovano et al to show this element of Applicant's method, especially when it is appreciated that the term "SQL" to which the Examiner refers (see Examiner's Answer at page 10, lines 17-19 and Applicant's specification at page 4, line 27) stands for Structured Query Language and refers to a "database computer language designed for managing data in relational database management systems" and that its "scope includes data query and update." (*See* **http://en.wikipedia.org/wiki/SQL; www.britannica.com.**). The Examiner's rationale is also rendered erroneous by the consistent reference in Applicant's specification to the equivalent term "request" (see pages 3, 4 and 5 of Applicant's specification) when referring to the queries contained in the managing center's messages to the user databases to condition their updating.

The Examiner Ignores The Advantages of Applicant's Unidirectional Conditional Updating as Contrasted With Yamagishi's Bi-directional Conditonal Updating

The Examiner misconstrues by oversimplification the substance of claim 27. He views it as consisting only of transmitting data over a unidirectional transmission medium, which he says is taught by Pirovano et al, and conditional updating, which he says is taught by Yamagishi (see Examiner's Answer at page 11, lines 8-15). What the Examiner fails to appreciate is that the method of claim 27 recites considerably more than mere unidirectional transmission of data and conditional updating. Rather, claim 27 aims to minimize the data stream by sending an identical message without database addressing to each receiver in a unidirectional way (i.e., server to receiver only). The updating is then carried out individually at the receiver side according to the results of searching the useful data in the

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receiver's database. The Examiner clearly misses the point when he equates Yamagishi's bi-directional communication for conditional updating with Applicant's unidirectional communication for updating . Yamagishi and the prior art know only one method of conditionally updating the databases, and that is via a bi-directional exchange from the server to the receiver, then, from the receiver to the server, followed by a provision of update data from the server to the receiver. In no prior art instance is the update data determined by searching through the useful data in the receiver's database solely on the basis of a message from the server which includes queries for searching the useful data in the user database. Applicant has discovered that the bi-directional communications are not necessary and that a better and more efficient result can be achieved by a single unidirectional communication. According to applicant's claimed method, two steps of Yamagishi's three step exchange between server and receiver are eliminated. Clearly, this elimination of such communications is an advance in the art which is not suggested by Yamagishi or contemplated by the prior art. It surely cannot be dismissed as being merely a subset of bi-directional communications.

The Invention of Claim 27 Would Not Have Been Obvious to One of Ordinary Skill in the Art to Which the Invention Pertains

The ultimate question is whether one of ordinary skill in the art would have found it obvious to update a large quantity of network user terminal databases by a method which involves transmitting identical messages without database addressing from a managing center to the distributed user databases, the messages including queries for searching the useful data present in the databases, conditionally updating the databases according to the results of the searching and accomplishing the conditional updating in a unidirectional manner without a return message from the databases to the managing center regarding the conditional updating. Pirovano et al teaches unidirectionally transmitting messages with database addressing. However, nothing in Pirovano et al even remotely suggests that Privoano's messages include queries for searching the useful data of a distributed user database and the Examiner has conceded that Pirovano et al does not teach conditional updating of the databases. Yamagishi is cited for its teaching of conditional updating of databases. However, Yamagishi does not suggest to search the useful data in a database and conditionally updating on the basis of the

results of that search. More importantly, Yamagishi does not perform conditional updating by a method which is unidirectional. To the contrary, it is clear that the Yamagishi method requires a bi-directional data exchange over the network in both directions, initially from the server to the databases, then the return message from the databases to the server and, finally, the transmission of update data from the server to the databases. Yamagishi's bi-directional transmission cannot simply be used unidirectionally without changes in the transmitted data and the conditional controls. Therefore, merely because Pirovano et al teaches transmitting some data unidirectionally and Yamagishi teaches conditional updating, one skilled in the art would have no rationale basis and no motivation to think it obvious to (1) drop the Pirovano et al message addressing scheme in favor of no database addressing, (2) alter the original Yamagishi message from the server to a unidirectional message which, at a minimum, includes queries for searching useful data in user databases, (3) convert Yamagishi's bi-directional conditional updating method to a unidirectional method by eliminating return messages, and (4) accomplish conditional updating on the basis of the resulting searches. To assert otherwise is to use the hindsight acquired from Applicant's discosure to modify the otherwise disparate teachings of Pirovano et al and Yamagishi.

KSR International Co. v. Teleflex, Inc, 550 U.S. 398, 419 (2007) tells us that in evaluating a claim under 35 U.S.C. 103 what matters is the objective reach of the claim. The prior art and the knowledge of the skilled worker are then applied as in *Graham v. John Deere Co. of Kansas City,* 383 U.S. 1 (1966) against this objective reach. When this is done here it is abundantly clear that the teachings of Pirovano et al in view of Yamagishi, as seen by one skilled in the art, fall far short of disclosing or suggesting the limitations which define the scope of claim 27. Accordingly, the rejection of claims 27, 29-31 and 39 should be reversed.

Respectfully submitted,
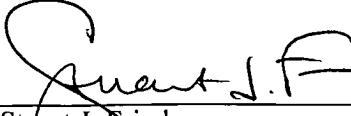
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